

REMARKS

Claims 1-8, 15, 17-24 and 31 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent 3,707,271 to Sanchez ("Sanchez (C)"). In addition, Claims 9-14, 16, 25-30 and 32 were rejected as being unpatentable under 35 U.S.C. §103 over the combination of Sanchez (C) in view of U.S. Patent 4,983,047 to Netto ("Netto (A)") or French Patent 2,579,174 to Ausnit ("Ausnit (N)").

In response to the last Official Action, Claims 1 and 17 have been amended to better point out and more distinctly claim the subject invention.

The presently disclosed invention is directed to a hanger for use with plastic bags that are suitable for containing various merchandise for retail display. The hanger includes a card body (2) that defines a fastening surface (7) thereon. A holding strip (11) cooperates with the fastening surface to define a gap therebetween. The hanger cooperates with a plastic bag. The hanger suspends the bag from an upper edge of the bag that is secured in the gap between the holding strip (11) and the fastening surface (7). Fastening surface (7) is recessed from the front side (4) of card body (2) such that, at times when holding strip (11) is closed, the front side (4) of card body (2) and holding strip (11) form a continuous plane surface.

As presently amended, Claim 1 is patentable over Sanchez (C) in that, among other structure, Claim 1 requires:

a card body having at least one recess, said card body defining one side with a first portion of said one side defining a flat surface and a second portion of said one side defining a fastening surface that is recessed from the flat surface of the first portion of said one side;

Sanchez (C) does not describe or suggest such structure. On the contrary, in Sanchez (C) the fastening surface (14 of Figure 4) is extended from the card body (4 of Figure 4). This is opposite from the structure of Claim 1 wherein the fastening surface is "recessed from the flat surface of [the card body]." Accordingly, Claim 1 is patentable over Sanchez (C).

Claim 17 includes a "card body" element that requires the same structure as the "card body" element of Claim 1. Therefore, Claim 17 is patentable over Sanchez (C) for the same reasons as Claim 1.

In addition, Claim 17 is also patentable over Sanchez (C) in that Claim 17 further requires:

at least one holding strip . . . the opposite side of the holding strip
cooperating with the flat surface of said first portion of the card body to form a
continuous plane surface that can receive a label.

Sanchez (C) does not describe or suggest structure whereby the flat surface of the card body cooperates with the holding strip to form a continuous plane surface that can receive a label.

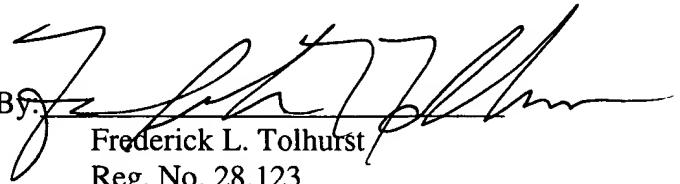
Claims 9-14, 16, 25-30 and 32 were rejected under 35 U.S.C. §103 based on Sanchez (C) in view of either Netto (A) or Ausnit (N). Claims 9-14, 16, 25-30 and 32 depend from Claim 1 or 17 and incorporate the structure of Claims 1 or 17. Claims 9-14, 16, 25-30 and 32 are therefore patentable over Sanchez (C) for the same reasons that are stated with respect to Claims 1 and 17. Neither are Claims 9-14, 16, 25-30 and 32 made unpatentable by combining Sanchez (C) with Netto (A) or Ausnit (N). Netto (A) describes an envelope with a closure device wherein rectangular parts (2 and 3) are joined by a hinge (4). It was cited for disclosure of pins (9). Pins (9) that are formed in part (2) pass through orifices (20) in envelope (15) and are received and

locked in socket formations (10). Ausnit (N) describes a re-sealable bag that is made from two strips of plastic material having male and female closure beads. Ausnit (N) was cited as showing a bag with a closure bead. Neither Aetto (A) nor Ausnit (N) describe or suggest the structure of the "card body" with a "flat surface" and a "fastening surface" that is "recessed" from the flat surface as set forth in Claims 1 and 17 as currently amended.

Applicant believes that Claims 1 and 17 distinctly claim the invention as required by §112. The "bag" is recited in the preamble of both Claims 1 and 17 and is later referred to in both Claims 1 and 17. The "bag" is not an element of the hanger and therefore is not recited as such. Considering Claims 1 and 17 together, the elements of the hanger are not seen to have utility alone or in other and different combinations. Accordingly, Claims 1 and 17 do not support the factors that are necessary for Claims 1 and 17 to be "distinct" according to MPEP §806.05(c) such that they offer a different combination or sub-combination.

In accordance with the foregoing amendments to the claims and in view of the above remarks, Claim 1-32 are believed to be in condition for allowance and such allowance is hereby respectfully requested.

Respectfully submitted,

By: 
Frederick L. Tolhurst
Reg. No. 28,123
Cohen & Grigsby, P.C.
11 Stanwix Street
15th Floor
Pittsburgh, PA 15222
(412) 297-4900